

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA)

Plaintiff,)

vs.)

MICHAEL J. SOBESKY)

Defendant.)

2:12-CR-164 MMD RJJ

ORDER

Based upon the pending Motion from the government, and good cause appearing thereof,

IT IS HEREBY ORDERED that in accordance with Title 18, United States Code, Sections 4241, 4242, 4247, and Rule 12.2(c) of the Federal Rules of Criminal Procedure, the United States Marshal Service shall forthwith transport Michael J. Sobesky to a suitable BOP facility that conducts psychological evaluations closest to the Court, for psychiatric or psychological evaluation to determine whether defendant Michael J. Sobesky mat presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceeding against him or to assist properly in his defense; and

IT IS FURTHER ORDERED that defendant Michael J. Sobesky shall be held in said facility for a reasonable period of time, not to exceed 45 days, unless extended by further order of the Court upon showing good cause by the Director of the said facility or pursuant to other appropriate motion for a period of up to 30 additional days. 18 U.S.C. § 4247(b).

IT IS FURTHER ORDERED that the examination be conducted by one or more licensed

1 or certified psychiatrists or clinical psychologists. 18 U.S.C. § 4247(b).

2 IT IS FURTHER ORDERED that within 45 days from the date of entry of this Order, or
3 such additional period as may be ordered by the Court, the Director of the said facility at which
4 the examination has been conducted shall prepare, or cause to be prepared, a psychiatric or
5 psychological report to the Clerk of the United States District Court for the District of Nevada, to
6 Patrick Walsh, Assistant United States Attorney, and to William Carrico, counsel for defendant.

7 IT IS FURTHER ORDERED that the report prepared pursuant to this Order shall include:

- 8 (1) Defendant's history and present symptoms;
- 9 (2) A description of the psychiatric, psychological or medical tests that were employed
10 and their findings;
- 11 (3) The examiner's findings;
- 12 (4) The examiner's opinions as to diagnosis, prognosis, and whether the defendant is
13 competent to stand trial, the test of which is whether he may presently be suffering from a mental
14 disease or defect rendering him mentally incompetent to the extent that he is unable to understand
15 the nature and consequences of the proceedings against him or to assist properly in his defense.
16 18 U.S.C. §§ 17(a), 4241(a) and 4247(c).

17 The Court finds that the period of time required by the above-described psychiatric or
18 psychological examination of defendant, and the Court's determination of defendant's
19 competency to stand trial and his sanity at the time of the offense charged is excludable time
20 under the United States Constitution, the Speedy Trial Act, Title 18, United States Code, Section
21 3161(h)(1)(A), and Rule 5.1 of the Federal Rules of Criminal Procedure.

22 Dated this 19th day of October 2012.

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25 UNITED STATES MAGISTRATE JUDGE
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